

it is respectfully requested that claim 9 be examined along with claims 1-3 and 8. Claim 10, the only pending method claim, has been read as the claim intended by the reference to claim 9 in Group IV. The inclusion of claim 1 in Groups II and III as well as Group I is respectfully not understood, absent the recitation of any alternative elements in claim

1. Clarification is requested.

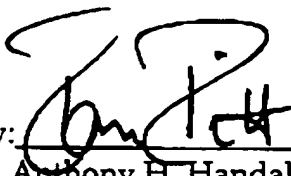
The restriction requirement is premised on an assertion by the Office in the first paragraph of the Office action, that claim 1 is not distinguished from Hoffman La Roche EP-A-0 759 466. In fact, claim 1 is not literally disclosed in EP-A-0 759 466, which the Office admits; but the antibody activity set forth in claim is concluded by the Office to be inherent in the reference, "absent evidence to the contrary".

EP-A-759,466 is discussed in applicant's specification on page 3, lines 13-14 where it is shown to be not at all relevant to applicant's invention as claimed in claims 1-3 and 8. EP-A-759,446 discloses sequences for interleukin-12 beta 2 receptor ("IL-12R β 2") proteins and fragments and claims antibodies thereto. However, EP-A-759,446 cannot be relied upon as a reference for a disclosure of the antibodies because the antibodies described are not described in an enabling manner. Moreover, antagonistic antibodies having the ability to specifically neutralize the IL-12R β 2 chain as defined in claim 1, 2 or 3, by preventing STAT4 phosphorylation and/or dimerization of the IL-12R β 2 chain to the IL-12R β 1 chain, are neither disclosed nor suggested by EP-A-759,446.

The restriction requirement is traversed on the ground that claims 1-10 have the common technical feature of relating to or using antagonistic antibodies having the ability to specifically neutralize the IL-12R β 2 chain. Claims 1-10 therefore have unity pursuant to PCT rules and examination of all claims is respectfully requested.


The application is now believed to be in condition for examination on the merits. Early and favorable examination is earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

Respectfully submitted,

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Whereby certify that this correspondence is being facsimile transmitted to the Assistant Commissioner of Patents, Washington, D.C.
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